UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ROBERT LEE CARTER, SR.,)	
Plaintiff,)	
V.)	No. 4:09CV329 RWS
DIVISION OF FAMILY SUPPORT,)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The Court has reviewed plaintiff's financial affidavit and finds that plaintiff cannot afford to pay the filing fee. As a result, the Court will grant the motion.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court may dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 for alleged employment discrimination. "In order to initiate a claim under Title VII a party must timely file a charge of discrimination with the EEOC and receive a right-to-sue letter." Stuart v. General Motors Corp., 217 F.3d 621, 630 (8th Cir. 2000). Plaintiff says in his complaint that he has not received a right-to-sue letter

from the EEOC. As a result, plaintiff has not exhausted administrative remedies before bringing this suit. The Court will, therefore, dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is GRANTED.

IT IS FURTHER ORDERED that this action is DISMISSED without prejudice.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel is **DENIED** as moot.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 2nd day of March, 2009.

RODNEY W. SIPPEL

UNITED STATES DISTRICT JUDGE